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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,840	12/12/2003	James A. Howell JR.	DC-05850	1971

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HAMILTON & TERRILE, LLP
P.O. BOX 203518
AUSTIN, TX 78720

EXAMINER	
RAHIM, MONJUR	

ART UNIT	PAPER NUMBER
2434	

NOTIFICATION DATE	DELIVERY MODE
05/20/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tmunoz@hamiltonterrile.com

Office Action Summary	Application No.	Applicant(s)	
	10/734,840	HOWELL, JAMES A.	
	Examiner	Art Unit	
	MONJOUR RAHIM	2434	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 February 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

In view of the Appeal brief filed on 02/09/2009 PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below. To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Kambiz Zand/

Supervisory Patent Examiner, Art Unit 2434

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, are rejected under 35 U.S.C. 103(a) as being unpatentable over Imai et al. (US Patent No. 5978590), hereinafter Imai and in view of Coss eat al. (US Patent No. 6154775), hereinafter Coss.

As per ***claim 1***, Imai discloses:

- **reading an order for an information handling system** (Imai, col 6, lines 5-7 and FIG. 3), where list of application would be installed, is inherently read by the system, as claimed.

- **installing a software application onto the information handling system during a factory installation process** (Imai, col 6, lines 1-7), where software being installed in the system, as claimed.

- **adding an identifier for the software application to a list of trusted applications during the factory install process, the identifier being added to the list of trusted applications to represent an application which is not subject to malicious modification based upon an assumption that applications installed during the factory install process are safe** (Imai, col 2, lines 61-67), where software ID being used as an identifier, as claimed.

Imai does not explicitly teach **firewall trusted application**, however in a relevant art Coss discloses (Coss, col 8, lines 28-39, "Dynamic rules are rules which are included with the access rules as a need arises, for processing along with the access rules, e.g., by a rule processing engine. Dynamic rules can include unique, current information such as, for example, specific source and destination port numbers. They can be loaded at any time by trusted parties, e.g., a trusted application, remote proxy or firewall administrator, to authorize specific network sessions. A dynamic rule can be set for single-session use, or its use can be limited as to time. Once a dynamic rule has served its function, it can be removed from the rule set. The dynamic rules allow a given rule set to be modified based on events happening in the network without requiring that the entire rule set be reloaded").

Therefore it would have been obvious to the one of ordinary skill in the art at the time of invention to incorporate teaching of Imai to Coss because one of the ordinary skills in the art would have been motivated to automate customize software installation including firewall application during manufacturing process, because most of the business want to use secure distributed environment.

As per ***claim 2***, claim1 is incorporated and Imai discloses:

- **wherein the list of trusted applications is generated within a manufacturing facility** (Imai, col 7, lines 13-20).

As per ***claim 3-4:***

Imai does not explicitly teach generating check-sum and MD5 signature, however official notice hereby taken that both are common and well-known in the art and MD5 hash algorithm available in the market.

The skilled person would have been motivated to do such settings because it is a common practice in the art.

Claims 6-8, 9-14 are rejected under the same reason set forth in connection of claims 3-4, 1, 2-7 respectively.

As per ***claim 15,*** Imai discloses:

- a processor (Imai, Abstract), where installation server inherently has a processor.

- memory coupled to the processor (Imai, Abstract);

- an approved application file stored on the memory, the approved application (Imai, col 7, lines 13-20).

Imai does not explicitly teach **firewall trusted application**, however in a relevant art Coss discloses (Coss, col 8, lines 28-39, "Dynamic rules are rules which are included with the access rules as a need arises, for processing along with the access rules, e.g., by a rule processing engine. Dynamic rules can include unique, current information such as, for example, specific source and destination port numbers. They can be loaded at any time by trusted parties, e.g., a trusted application, remote proxy or firewall administrator, to authorize specific network sessions. A dynamic rule can be set for single-session use, or its use can be limited as to time. Once a dynamic rule has served its function, it can be removed from the rule set. The dynamic rules allow a given rule set to be modified based on events happening in the network without requiring that the entire rule set be reloaded") and **a firewall application stored on the memory** (Coss, col 10, lines 22-25, "The invention can be implemented in a wide variety of applications. For example, the invention may be used to provide improved firewall performance in a dial-up access gateway").

Therefore it would have been obvious to the one of ordinary skill in the art at the time of invention to incorporate teaching of Imai to Coss because one of the ordinary skills in the art would have been motivated to automate customize software installation including firewall application during manufacturing process, because most of the business want to use secure distributed environment.

Claims 16-17 are rejected under the same reason set forth in connection of claim 2, 5 respectively.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5, is rejected under 35 U.S.C. 103(a) as being unpatentable over Imai et al. (US Patent No. 5978590), hereinafter Imai and in view of Barry eat al. (US Patent No. 6154775), hereinafter Coss and in view of Barry et al. (US Patent No. 6615258)

As per ***claim 5***:

Neither Imai nor Coss discloses **- the list of trusted applications is generated by the firewall application based upon a record of software that is installed on the information handling system in a manufacturing facility** however in a relevant art Barry discloses getting application list, as claimed (Barry, col 17, lines 18-22)

Therefore it would have been obvious to the one of ordinary skill in the art at the time of invention to incorporate teaching of Imai to Barry because one of the ordinary skills in the art would have been motivated to automate customize software installation including firewall application during manufacturing process, because most of the business want to use secure distributed environment

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form "PTO-892 Notice of Reference Cited").

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monjour Rahim whose telephone number is (571)270-3890. The examiner can normally be reached on 5:30 AM -3:30 PM (Mo-Th).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571)272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (in USA or CANADA) or 571-272-1000.

/Monjour Rahim/
Patent Examiner
Art Unit: 2434
Date: 05/10/2009

/Kambiz Zand/

Supervisory Patent Examiner, Art Unit 2434